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HOUSE OF REPRESENTATIVES

REPORT
99-540

MF 148

DIRECTING RELEASE OF RESTRICTIONS, CONDITIONS, AND LIMITATIONS ON THE USE OR CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED IN CALCASIEU PARISH, LA

APRIL 16, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4022]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4022) to direct release of restrictions, conditions, and limitations on the use or conveyance of certain real property located in Calcasieu Parish, LA, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

(a) The United States hereby releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain lands located in Calcasieu Parish, Louisiana, as identified as Item Numbers 2, 4, 5, 6, 7-B, 8, 9, X, Y, Z, and Tract 7 on the map entitled "Plat of Restricted Properties/ Former Chenault Airbase, Lake Charles, Louisiana", dated December 6, 1985, to the extent such restrictions, conditions and limitations are enforceable by the United States: *Provided*, That the United States shall have the right of access to, or use of, those lands identified on said map for national defense purposes in time of war or national emergency.

(b) Nothing in this Act shall affect the disposition or ownership of oil, gas, or other mineral resources associated with lands identified on the map referenced in subsection (a).

Amend the title to read as follows:

To release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes.

PURPOSE

As reported, H.R. 4022 would release all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain lands in Calcasieu Parish, Louisiana to the extent that such restrictions, conditions, and limitations are enforceable by the United

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States, while providing that the United States shall have the right to use the property for National Defense purposes in time of war or national emergency.

BACKGROUND AND NEED

Most of the Lands affected by the bill were acquired by Calcasieu Parish and then donated to the Air Force in the mid-to-late 1950's. The Parish spent more than $13,000,000 in acquiring lands, constructing a drainage system and moving its general aviation facilities to a new airport. These commitments were made by the Parish, in exchange for a commitment from the Air Force to maintain a permanent air base on the lands. The Air Force did designate the base as permanent in 1958, but in 1961 decided to close it. Since that time a portion of the base has been used by the Parish and other local bodies under various restrictions for a variety of purposes.

Two of the 10 parcels that would be affected by the bill were conveyed to the local authorities by the Secretary of Interior under the authority of Public Law 91-485, which allows the Secretary of Interior to sell or lease Federal property for public park or public recreational purposes to any State, political subdivision or municipality. The Act requires that the lands be used and maintained in perpetuity for the purpose for which they were conveyed. In the event that the property ceases to be used or maintained for the purpose for which it was conveyed, the Act states that the property shall, at the option of the United States, revert to the United States.

As a whole, however, the property's apparent best use is as an airport and for related industrial and commercial purposes. The local authorities have developed a plan to make the property—as an "air industrial park"—the centerpiece of a strategy for economic improvement of the area. This, however, cannot be done under the existing legal status of the property. Thus, the need for legislation.

THE COMMITTEE AMENDMENT

The Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute makes three technical changes in the bill as introduced:

(1) The restrictions on the use, encumbrance, or conveyance of the property are released by the Congress as of the date of the enactment of the Act. The bill as introduced directed the Secretary of the Interior to release the restrictions. This extra step is unnecessary and has been deleted.

(2) In response to testimony of the Department of the Interior, a map has been prepared precisely identifying the lands involved rather than utilizing a reference to file numbers as proposed in the bill as introduced.

(3) Language has been included, also at the suggestion of the Administration, making clear that the release of the use restrictions in no way affects the disposition or the ownership of any minerals associated with these lands.

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SECTION-BY-SECTION ANALYSIS

The bill as reported is in a single section. Subsection (a) constitutes the Congressional release of all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of the described lands which are enforceable by the United States, but also provides that the United States shall have the right of access to, or use of those lands for national defense purposes in time of war or national emergency. The reserved right of access and use in time of war or national emergency thus is an encumbrance on the property which the United States may assert against any future occupant.

Subsection (b) provides that nothing in the reported bill shall affect the disposition or ownership of oil, gas, or other mineral resources associated with the lands identified in subsection (a). The Committee makes no judgment as to whether some, all, or any of the minerals in such lands are in federal ownership. This subsection merely makes it explicit that enactment of the bill will not alter the status quo so far as concerns the status of such minerals.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs will have continuing responsibility for oversight of the implementation of H.R. 4022 after its enactment. No reports or recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2) of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee finds that enactment of H.R. 4022 will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

At the time of submission of this report, the estimate of the Congressional Budget Office was not available for inclusion; however, the Committee does not foresee any significant cost implications as a result of the enactment of this legislation.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 4022 was introduced by Representative Breaux on February 20, 1986, and was the subject of a hearing by the Subcommittee on Public Lands on March 6, 1986. On April 10, 1986 the Subcommittee adopted an amendment and favorably referred the bill as so amended to the full Committee. On April 16, 1986, the Committee on Interior and Insular Affairs adopted an amendment and ordered the bill as so amended favorably reported to the House by a voice vote.

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